G. Thomas Martin, III (SBN 218456) 1 PRICE LAW GROUP, APC 2 15760 Ventura Blvd., Suite 1100 Encino, CA 91436 3 Direct Dial: (818) 907-2030 4 Fax: (818) 205-3730 tom@pricelawgroup.com 5 Attorneys for Plaintiff 6 ADRIAN REYES 7

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA – EASTERN DIVISION

ADRIAN REYES,

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Plaintiff,

VS.

COAST PROFESSIONAL, INC.; and DOES 1 to 10, inclusive,

Defendants.

EDGV12-1576DMH100x Case No.:

COMPLAINT AND DEMAND FOR JURY TRIAL

(Unlawful Debt Collection Practices)
Demand Does Not Exceed \$10,000

COMPLAINT AND DEMAND FOR JURY TRIAL

INTRODUCTION

1. This is an action for actual and statutory damages brought by plaintiff, Adrian Reyes, an individual consumer, against defendant Coast Professional, Inc., for violations of the law, including but not limited to violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (hereinafter "FDCPA") and the Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code §§ 1788 et seq.

deceptive, and unfair practices.

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(hereinafter "RFDCPA"), which prohibit debt collectors from engaging in abusive,

JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d), Cal. Civ. Code §§ 1788.30, and 28 U.S.C. § 1331 and § 1337. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202. Venue in this District is proper in that the Defendant transacts business here and the conduct complained of occurred here.

PARTIES

- 3. Plaintiff, Adrian Reyes, is a natural person with a permanent residence in Mira Loma, Riverside County, California 91752.
- 4. Upon information and belief, the Defendant, Coast Professional, Inc., is a corporation engaged in the business of collecting debt in this state and in several other states, with its principal place of business located at 214 Expo Circle, Suite 7, West Monroe, Ouachita Parish, Louisiana, 71292. The principal purpose of Defendant is the collection of debts in this state and several other states, and Defendant regularly attempts to collect debts alleged to be due another.
- 5. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. § 1692a(6), and the Cal. Civ. Code § 1788.2.

FACTUAL ALLEGATIONS

- 6. The debt Defendant is attempting to collect on is an alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment.
- 7. Within one (1) year preceding the date of this Complaint, Defendant, in connection with the collection of the alleged debt, contact Plaintiff and threatened to garnish Plaintiff's wages.
- 8. Defendant has no standing to commence legal proceedings on behalf of the creditor.
- 9. Defendant is a debt collection company and as a debt collection company attempting to collection an alleged debt, Defendant can only refer the matter back to the creditor with a recommendation that the original creditor attempt legal proceedings which could result in garnishment.
- 10. The representations made to Plaintiff by Defendant regarding legal proceedings were false.
- 11. Within one (1) year preceding the date of this Complaint, Defendant, in connection with the collection of the alleged debt, Defendant failed to send the required written communication to Plaintiff within the required time period.

- 12. The natural consequences of Defendant's statements and actions were to unjustly condemn and vilify Plaintiff for him non-payment of the debt he allegedly owed.
- 13. The natural consequences of Defendant's statements and actions was to produce an unpleasant and/or hostile situation between Defendant and Plaintiff.
- 14. The natural consequences of Defendant's statements and actions was to cause Plaintiff mental distress.
- 15. Defendant utilized unfair and unconscionable means to collect on Plaintiff's alleged debt, by lying to and misleading Plaintiff.

FIRST CLAIM FOR RELIEF

- 16. Plaintiff repeats and realleges and incorporates by reference to the foregoing paragraphs.
- 17. Defendant violated the FDCPA. Defendant's violations include, but are not limited to, the following:
 - (a) Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequences of which is to harass, oppress, or abuse any person in connection with the collection of an alleged debt; and
 - (b) Defendant violated §1692e of the FDCPA by using a false, deceptive, or misleading representation or means in connection with the collection of the alleged debt; and

- (c) Defendant violated §1692e(4) of the FDCPA by giving the false representation or implication that nonpayment of the alleged debt will result in the garnishment of wages of any person when such action is unlawful and the Defendant does not intend to take such action; and
- (d) Defendant violated §1692e(5) of the FDCPA by threatening to take action that the Defendant does not intend to take and/or the Defendant cannot legally take; and
- (e) Defendant violated §1692e(10) of the FDCPA by using false representation or deceptive means in connection with the collection of the alleged debt; and
- (f) Defendant violated §1692f of the FDCPA by using unfair or unconscionable means in connection with the collection of an alleged debt; and
- (g) Defendant violated §1692g(a)(1) of the FDCPA by failing to notify the Plaintiff within five days of the initial communication a written communication that including the amount of the alleged debt that the Defendant is attempting to collect; and
- (h) Defendant violated §1692g(a)(2) of the FDCPA by failing to notify the Plaintiff within five days of the initial communication a written communication that including the name of the creditor to whom the alleged debt is owed that the Defendant is attempting to collect; and

- (i) Defendant violated §1692g(a)(3) of the FDCPA by failing to notify the Plaintiff within five days of the initial communication a written communication that including a statement that unless the Plaintiff, within thirty days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the Defendant; and
- (j) Defendant violated §1692g(a)(4) of the FDCPA by failing to notify the Plaintiff within five days of the initial communication a written communication that including a statement that if the Plaintiff notifies the Defendant in writing within the thirty-day period that the debt, or any portion thereof, is disputed, the Defendant will obtain verification of the debt or a copy of a judgment against the Plaintiff and a copy of such verification or judgment will be mailed to the Plaintiff by the Defendant; and
- (k) Defendant violated §1692g(a)(5) of the FDCPA by failing to notify the Plaintiff within five days of the initial communication a written communication that including a statement that, upon the Plaintiff's written request within the thirty-day period, the Defendant will provide the Plaintiff with the name and address of the original creditor, if different from the current creditor.
- 18. As a result of the foregoing violations of the FDCPA, Defendant is liable to the Plaintiff, Adrian Reyes, for declaratory judgment that Defendant's conduct

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violated the FDCPA, actual damages, statutory damages, and costs and attorney fees.

SECOND CLAIM FOR RELIEF

- 19. Plaintiff repeats and realleges and incorporates by reference the foregoing paragraphs.
- 20. Defendant violated the RFDCPA. Defendant's violations include, but are not limited to the following:
 - (a) Defendant violated §1788.17 of the RFDCPA by being a debt collector collecting or attempting to collect a consumer debt that is not compliant with the provisions of Sections 1692b to 1692j of the FDCPA, the references to federal codes in this section referring to those codes as they read as of January 1, 2001.
- 21. Defendant's acts as described above were done intentionally with the purpose of coercing Plaintiff to pay the alleged debt.
- 22. As a result of the foregoing violations of the RFDCPA, Defendant is liable to the plaintiff Adrian Reyes for actual damages, statutory damages, and costs and attorney fees.

WHEREFORE, Plaintiff Adrian Reyes respectfully requests that judgment be entered against defendant, Coast Professional, Inc., for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA and RFDCPA.
- B. Actual damages from each Defendant pursuant to 15 U.S.C. § 1692k(a)(1).
- C. Statutory damages pursuant to 15 U.S.C. § 1692k.
- D. Statutory damages pursuant to Cal. Civ. Code § 1788.30.
- E. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k and Cal. Civ. Code § 1788.30.
- F. Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law.
- G. For such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Please take notice that plaintiff Adrian Reyes demands trial by jury in this action.

DATED: September 11, 2012

RESPECTFULLY SUBMITTED, PRICE LAW GROUP, APC

By: G. Thomas Martin, III
Attorney for Plaintiff

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Dolly Gee and the assigned discovery Magistrate Judge is Oswald Parada.

The case number on all documents filed with the Court should read as follows:

EDCV12- 1576 DMG (OPx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

[/] Western Division	I 1 Southern Division	T 1 Eastern Division
Subsequent documents must be	filed at the following location:	
A copy of this notice must be se filed, a copy of this notice must i	rved with the summons and complaint on be served on all plaintiffs).	all defendants (if a removal action is
	NOTICE TO COUNSEL	
mental statute statute supply supply obtains and supply su	THE PARTY SALES AND ADDRESS SALES SA	
All discovery related mo	tions should be noticed on the cale	endar of the Magistrate Judge

Failure to file at the proper location will result in your documents being returned to you.

312 N. Spring St., Rm. G-8

Los Angeles, CA 90012

411 West Fourth St., Rm. 1-053

Santa Ana, CA 92701-4516

3470 Twelfth St., Rm. 134

Riverside, CA 92501

G. Thomas Martin, III (SBN 218456)	
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15760 Ventura Blvd., Suite 1100	
Encino, CA 91436	
T: (818) 907-2030	
F: (818) 907-2122	
	DISTRICT COURT CT OF CALIFORNIA
ADRIAN REYES	CASE NUMBER
PLAINTIFF(S)	DCV12-1576 DM4108x)
COAST PROFESSIONAL, INC.; and DOES 1 to 10,	,
inclusive,	
,	SUMMONS
DEFENDANT(S).	
must serve on the plaintiff an answer to the attached \square	12 of the Federal Rules of Civil Procedure. The answer . Thomas Martin, III (SBN 218456) , whose address is nia 91436 . If you fail to do so,
	Deputy Clerke
	(Seal of the Court)
[Use 60 days if the defendant is the United States or a United States of a United States	es agency, or is an officer or employee of the United States. Allowed

SUMMONS

CV-01A (10/11

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

CIVIL COVER SHEET												
I (a) PLAINTIFFS (Check box if you are representing yourself □) ADRIAN REYES			DEFENDANTS COAST PROFESSIONAL, INC.; and DOES 1 to 10, inclusive,									
RIVERSIDE COUNTY					OUAC	HITA COU	NTY, LO	UISIAN	ĬA.			
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing			Attorneys (If Known)									
yourself, provide same.) G. Thomas Martin, III (SBN 218456) PRICE LAW GROUP, APC 15760 Ventura Blvd., #1100, Encino, CA 91436; T: (818) 907-2030												
II. BASIS OF JURISDICTION (Place an X in one box only.) III. CITIZENS: (Place an X				NSHIP OF	PRINCIPA ox for plainti	L PARTI	ES - Fo	or Diversity Cases (fendant.)	Only			
□ 1 U.S. Government Plaintiff	2 23	Federal Question (U.S. Government Not a Party)		Citizen of This			PTF □ 1		Incorporated or Pr of Business in this		PTF □4	DEF □ 4
2 U.S. Government Defendan	. 🗆 4	Diversity (Indicate Citize of Parties in Item III)	nship	Citizen of And	other State		□ 2	□ 2	Incorporated and I of Business in An		□ 5	□ 5
				Citizen or Sub	ject of a Fo	reign Count	ry 🗆 3	□ 3	Foreign Nation		□6	□6
IV. ORIGIN (Place an X in one box only.) 1 Original												
V. REQUESTED IN COMPL		,	es L						INT: § According	g to Proof (<\$	10.00	0)
CLASS ACTION under F.R.C											***************************************	
VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 15 USC 1692; UNLAWFUL DEBT COLLECTION PRACTICES												
VII. NATURE OF SUIT (Pla	e an X	in one box only.)						····				
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AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

FOR OFFICE USE ONLY: Case Number:

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: H If yes, list case number(s):	as this action been pr	eviously filed in this court an	nd dismissed, remanded or closed? ☑ No □ Yes				
VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? In No Yes If yes, list case number(s):							
	. Arise from the same . Call for determinati . For other reasons w	e or closely related transactio ion of the same or substantial ould entail substantial duplic	ons, happenings, or events; or ly related or similar questions of law and fact; or cation of labor if heard by different judges; or , and one of the factors identified above in a, b or c also is present.				
IX. VENUE: (When completing the			f necessary.) if other than California; or Foreign Country, in which EACH named plaintiff resides.				
Check here if the government	its agencies or emplo	oyees is a named plaintiff. If	'this box is checked, go to item (b).				
County in this District:*			California County outside of this District; State, if other than California; or Foreign Country				
RIVERSIDE COUNTY							
(b) List the County in this Distric ☐ Check here if the government	t; California County o	outside of this District; State oyees is a named defendant.	if other than California; or Foreign Country, in which EACH named defendant resides. If this box is checked, go to item (c).				
County in this District:*			California County outside of this District; State, if other than California; or Foreign Country				
			OUACHITA COUNTY, LOUISIANA				
(c) List the County in this District Note: In land condemnation	ot; California County	outside of this District; State	if other than California; or Foreign Country, in which EACH claim arose.				
Note: In land condemnation cases, use the location of the tract of land involved County in this District:*			California County outside of this District; State, if other than California; or Foreign Country				
RIVERSIDE COUNTY							
* Los Angeles, Orange, San Berr Note: In land condemnation cases	nardino, Riverside, V	Ventura, Santa Barbara, or	San Luis Obispo Counties				
		MINIKA.	Date 9/11/2012				
or other papers as required by	The CV-71 (JS-44) (oved by the Judicial Conferen	ormation contained herein neither replace nor supplement the filing and service of pleadings acc of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed ating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)				
Key to Statistical codes relating to	Social Security Case	S.					
Nature of Suit Coo	le Abbreviation	Substantive Statement	of Cause of Action				
861	НІА	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))					
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)					
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))					
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))					
864	SSID	All claims for supplement Act, as amended.	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.				
865	RSI	All claims for retirement U.S.C. (g))	Il claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 S.C. (g))				